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U.S. PTO

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10/8/2004



042104

**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.

MDS-034DV

First Named Inventor

Schomacker

Title

Optimal Windows for Obtaining Optical Data for
Characterization of Tissue Samples**APPLICATION ELEMENTS****ADDRESS TO: Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**1. ☒ Fee Transmittal Form2. ☒ Small Entity Status☐ Applicant claims small entity status☒ Status established in prior application and is still
proper and desired3. ☒ Specification and Drawings [Total Pages 63]

- Written Description - (37 pages)

- Claims - (8 pages)

- Abstract - (1 page)

- Sheets of Drawings - (17 sheets)

☒ Formal☐ Informal4. ☒ Oath or Declaration [Total Pages 4]a. ☐ Newly executed (original)b. ☒ Copy from a prior application (37 CFR
1.63(d))

(for continuation/divisional with Box 17 completed)

[Note Box 5 below]

5. ☒ Incorporation by Reference (usable if Box 4b is checked)The entire Disclosure of the prior application, from
which a copy of the oath or declaration is supplied
under Box 4b, is considered as being part of the
disclosure of the accompanying application and is
hereby incorporated by reference therein.6. ☒ Application Data Sheet7. ☐ Nucleotide and/or Amino Acid Sequence Submission☐ Computer Readable Form (CRF)☐ Paper Copy (identical to computer copy)☐ CD (2 copies) (identical to computer copy)☐ Statement verifying identity of above copies**ACCOMPANYING APPLICATION PARTS**8. ☐ 37 CFR 3.73(b) Statement (when there is an assignee)☐ Power of Attorney9. ☐ English Translation Document (if applicable)10. ☐ Information Disclosure Statement (IDS)/PTO-1449☐ Copies of IDS Citations11. ☒ Preliminary Amendment☐ Drawings [Total Sheets]12. ☒ Return Receipt Postcard (specifically itemized)13. ☐ Certified Copy of Priority Document(s) (if foreign priority
claimed)14. ☐ Nonpublication Request Under 35 U.S.C. 122(b)15. ☐ CD in duplicate for large table or computer program16. ☒ Other:

• Copy of Fee Transmittal

• Check in the amount of \$394.00

17. ☐ If a CONTINUING APPLICATION: Amend the specification by inserting on page 1, before the first line, the sentence:

--This is a

☐ continuation☒ divisional☐ continuation-in-part of prior application Serial No. 10/295,794, filed on

November 15, 2002, the entire disclosure of which is incorporated by reference herein.--

Priority to the above application(s) is claimed under 35 U.S.C. 120.

Prior application information: Examiner: S.P. Siefke. Group/Art Unit: 1743.

18. ☐ Priority - 35 U.S.C. 119☐ Priority of application Serial No. _____ filed on _____ in _____ is claimed under 35 U.S.C. 119.☐ The certified copy has been filed in prior U.S. application Serial No. ____/____ on ____.☐ The certified copy will follow.**CORRESPONDENCE ADDRESS**Direct all correspondence to: Patent Administrator
Testa, Hurwitz & Thibault, LLP
High Street Tower
125 High Street
Boston, MA 02110
Tel. No.: (617) 248-7000
Fax No.: (617) 248-7100
Customer No. 021323**SIGNATURE BLOCK**Date: April 21, 2004
Reg. No. 53,002
Tel. No.: (617) 310-8427
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Respectfully submitted,

William R. Haulbrook, Ph.D.
Attorney for Applicant(s)
Testa, Hurwitz & Thibault, LLP
High Street Tower
125 High Street
Boston, MA 02110

FEE TRANSMITTAL

FY 2004

Complete if Known

Application Serial Number	Not yet assigned
Filing Date	Herewith
First Named Inventor	Schomacker
Group Art Unit	Not yet assigned
Examiner Name	Not yet assigned
Attorney Docket No.	MDS-034DV

METHOD OF PAYMENT

1. ☒ Payment Enclosed:
☒ Check ☐ Money Order ☐ Other
2. ☒ The Commissioner is hereby authorized to credit or charge any fee indicated below for this submission to Deposit Account No. 20-0531.
☐ Required Fees (copy of this sheet enclosed).
☒ Additional fee required under 37 CFR 1.16 and 1.17.
☒ Overpayment Credit.
3. ☐ Applicant claims small entity status.

FEE CALCULATION

1. FILING FEE

Large Entity

Fee (\$)	Fee Description	Fee Paid
770	Utility filing fee	770.00
340	Design filing fee	
160	Provisional filing fee	

	Number Filed	Number Extra	Rate	Amount
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Total Claims	21	- 20 = 1	x \$ 18.00 =	18.00
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Independent Claims	1	- 3 = 0	x \$ 86.00 =	0.00
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☐ Multiple Dependent Claim(s), if any \$290.00 =

TOTAL: 788.00

SMALL ENTITY DISCOUNT: 394.00

SUBTOTAL (1) (\$) 394.00

2. AMENDMENT CLAIM FEES

Claims Remaining After Amend.	Highest No. Previously Paid For	Present Extra	Rate	Fee Paid
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Total	-	=	x \$ 18.00 =	
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Indep.	-	=	x \$ 86.00 =	
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☐ First Presentation of Multiple Dep. Claim + \$290.00 =

TOTAL: (\$)

SMALL ENTITY DISCOUNT: (\$)

SUBTOTAL (2) (\$) 0.00

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid
130	65	Surcharge - late filing fee or oath	
50	25	Surcharge - late provisional filing fee or cover sheet	
130	130	Non-English specification	
2,520	2,520	Request for ex parte reexamination	
110	55	Extension for reply within first month	
420	210	Extension for reply within second month	
950	475	Extension for reply within third month	
1480	740	Extension for reply within fourth month	
2010	1005	Extension for reply within fifth month	
330	165	Notice of Appeal	
330	165	Filing a brief in support of an appeal	
290	145	Request for oral hearing	
130	130	Petitions to the Commissioner	
180	180	Submission of Information Disclosure Statement	
770	385	Filing a submission after final rejection (37 CFR 1.129(a))	
770	385	For each additional invention to be examined (37 CFR 1.129(b))	
100	100	Certificate of Correction for applicant's error	
110	55	Submission of Terminal Disclaimer	
Other fee (Specify)			
Other fee (Specify)			

SUBTOTAL (3) (\$) 0.00

SUBTOTAL (1) \$394.00

SUBTOTAL (2) 0.00

SUBTOTAL (3) 0.00

TOTAL (\$) 394.00

CORRESPONDENCE ADDRESS

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